

To the Honorable Council City of Norfolk, Virginia

March 18, 2014

From:

George M. Homewood, AICP CFM, Planning Director

Subject:

Special Exception for Island Krave Caribbean Smokehouse

Reviewed: Ronald H. Williams, Jr., Assistant City

Manager

Approved:

Item Number:

Ward/Superward: 2/6

R-2

Marcus D. Jones, City Manager

- **Staff Recommendation: Approval** 1.
- **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**. II.
- **Request:** Special Exception to operate an Eating and Drinking Establishment. III.
- Island Krave Caribbean Smokehouse 222 West 21st Street, Unit J IV. Applicant:
- **Description:** This request would allow Island Krave Caribbean Smokehouse to serve alcohol V. and establish outdoor seating.
 - After discussion with the property owner, the hours of operation in the original staff report were amended by the applicant and are reflected below.

Proposed	
Hours of Operation	10:00 a.m. until 11:00 p.m seven days a week
Hours for Sale of Alcohol	11:00 a.m. until 11:00 p.m seven days a week
Capacity	26 seats indoors 8 seats outdoors 37 total capacity

Staff point of contact: Ashton Jones at 664-7470, ashton.jones@norfolk.gov Attachment:

- Staff Report to CPC dated February 27, 2014 with attachments
- **Proponents and Opponents**
- Ordinance



To the City Planning Commission City of Norfolk, Virginia

February 27, 2014

From:

Ashton Jones, City Planner II

Subject: Special Exception to operate an Eating and Drinking Establishment at 222 West 21st Street – Island Krave Caribbean

Smokehouse

Reviewed: Leonard M. Newcomb III, Land Use Services

Ward/Superward: 2/6

Manager

Approved:

Item Number:

George M. Homewood, AICP, CFM

Planning Director

- I. Recommendation: Staff recommends approval, subject to the attached conditions.
- II. Applicant:

Dorothy M. Lovell

222 West 21st St.

III. Description:

This request is to allow Island Krave Caribbean Smokehouse to operate an Eating and Drinking Establishment.

IV. Analysis

Plan Analysis

- The Site is located on north side of 21st Street in the 21st Street Pavilion Shops.
- The proposed Special Exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.

Zoning Analysis

- The site is zoned C-2 (Corridor Commercial) and 21st Street Pedestrian Commercial Overlay District which permits an Eating and Drinking Establishment by Special Exception.
- The surrounding properties are zoned both commercial and industrial and the proposed Special Exception has no adverse impact on them.

Proposed	
Hours of Operation and Sale of Alcohol	11:00 a.m. until 10:00 p.m., Sunday through Thursday 11:00 a.m. until 11:00 p.m., Friday through Saturday
	26 seats indoors
Seating	8 seats outdoors
	37 total capacity

 The attached conditions ensure that the operation of the site as an eating and drinking establishment is in compliance with Zoning Ordinance requirements

Traffic Analysis

 Since no increase in indoor seating is being proposed for the site, no additional trips are projected.

V. Financial Impact

The applicant is current on all taxes.

VI. Environmental

This site is located in a district that allows such a use and is surrounded by mix of commercial uses.

VII. Community Outreach/Notification

- Legal notice was posted on the property on January 21.
- Letters were sent to the Ghent Business Association and Ghent Neighborhood League on February 5.
- Letters were mailed to all property owners within 300 feet of the property on February 12.
- Notice was sent to the civic leagues by the Department of Communications on February 12.
- Legal notification was placed in *The Virginian-Pilot* on February 13 and 20.

VIII. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proposed Conditions
- Location Map
- Zoning Map
- 1000' Radii Map of ABC Establishments
- Application
- Letter to Ghent Business Association
- Letter to Ghent Neighborhood League

Proponents and Opponents

Proponents

Dorothy Marie Lovell 222 West 21st Street, Unit J Norfolk, VA 23417

Opponents

None

02/28/14 tsv

Form and Correctness Approved:

By Office of the City Attorney

Contents Approved: AT

By DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO XAYACA, INC. AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT KNOWN AS "ISLAND KRAVE CARIBBEAN SMOKEHOUSE" ON PROPERTY LOCATED AT 222 WEST $21^{\rm ST}$ STREET, UNIT J.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Xayaca, Inc. authorizing the operation of an eating and drinking establishment named "Island Krave Caribbean Smokehouse" on property located at 222 West 21st Street, Unit J. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 300 feet, more or less, along the northern line of West $21^{\rm st}$ Street, beginning 125 feet, more or less, from the western line of Omohundro Avenue and extending westwardly; premises numbered 222 West $21^{\rm st}$ Street, Unit J.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be from 10:00 a.m. until 11:00 p.m. seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours of operation for the sale of alcoholic beverages shall be from 11:00 a.m. until 11:00 p.m. seven days per week.
- (c) The seating for the establishment shall not exceed 26 seats indoors, 8 seats outdoors, and the total occupant capacity, including employees, shall not exceed 37 people.

- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (i) A menu shall be provided containing an assortment of foods which shall be made available at all times the restaurant is open. A food menu and full dining service shall be available at the bar.
- (j) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator, or manager desire to

operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (1) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (m) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the $\underline{\text{Zoning Ordinance of the City of}}$ Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the

particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (3 pages)

Island Krave Caribbean Smokehouse– 222 West 21st Street Eating and Drinking Establishment Conditions

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 11:00 a.m. until 10:00 p.m., Sunday through Thursday and from 11:00 a.m until 11:00 p.m., Friday and Saturday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 26 seats indoors, 8 seats outdoors, and the total occupant capacity, including employees, shall not exceed 37 people.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (i) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set

forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (k) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (I) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.



EXHIBIT "A" Description of Operations Eating and Drinking Establishment

Date No VEM BER 1, 2013	
Trade name of business	AVE CARIBBEAN SMOKEHOUSE
Address of business 22 W. 2154 S	treet - Unit J NORFOLK 23517
Name(s) of business owner(s)*	•
Name(s) of property owner(s)*	
Daytime telephone number ($7/8$) 200	
*If business or property owner is partnership, *If business or property owner is an LLC or C	
Proposed Hours of Operation:	From applicant Alcoholic Beverage Sales
Facility per email	Alcoholic Beverage Sales
Weekday From port of promise the promise of the pr	Weekday From 114 or 10 pm
Friday From <u>IDAM</u> To <u>II p.M</u>	Friday From <u>NAM</u> To <u>II PM</u>
Saturday From <u>IDAM</u> To <u>II PM</u>	
Sunday From <u>IOAM</u> To <u>IO DM</u>	Sunday From <u>IIAM</u> To IIAM
2. Type of ABC license applied for (check all ☐ On-Premises ☐ Off-Premises (
3. Type of alcoholic beverage applied for ☑ Beer ☑ Wine ☑ Mixed Be	verage
4. Will indoor or outdoor entertainment be pro (Entertainment consists of anything more t ☐ Yes (Different application required)	han one, unamplified musician)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

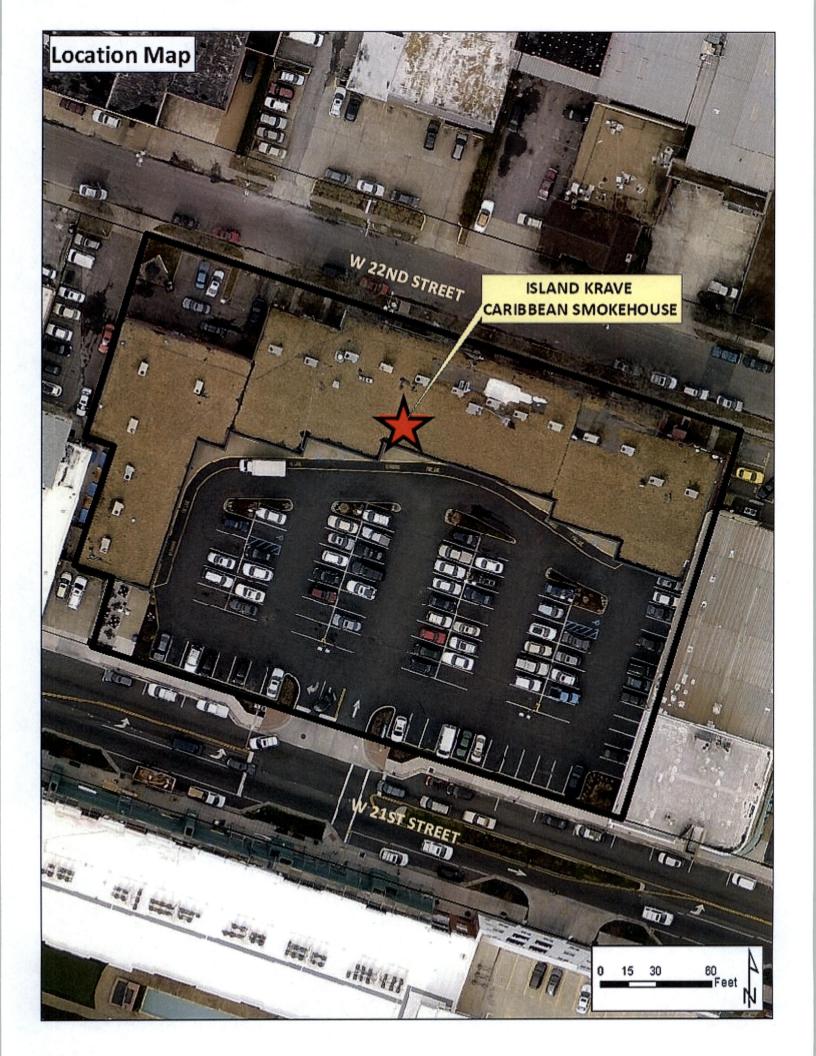
Exhibit A – Page 2 Eating and Drinking Establishment

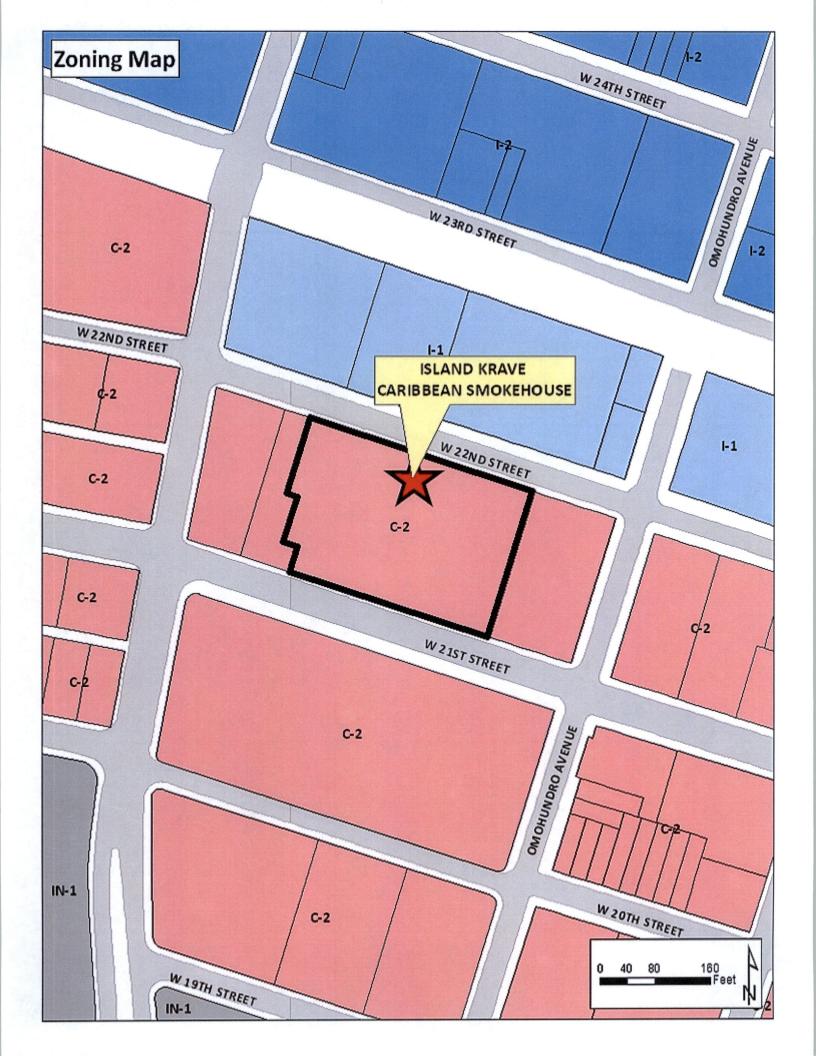
		NA
6.	Will pa □ Yes	atrons ever be charged to enter the establishment? ☑ No
	6a.	If yes, why
	6b.	Which days of the week will there be a cover charge (circle all applicable day
		Monday Tuesday Wednesday Thursday Friday
		Saturday Sunday \mathcal{N}/\mathcal{Q}
' .	Will th □ Yes	ne facility or a portion of the facility be available for private parties?
	7a.	If yes, explain
3.	Will a □ Yes	third party (promoter) be permitted to lease, let or use the establishment?
	8a.	If yes, explain

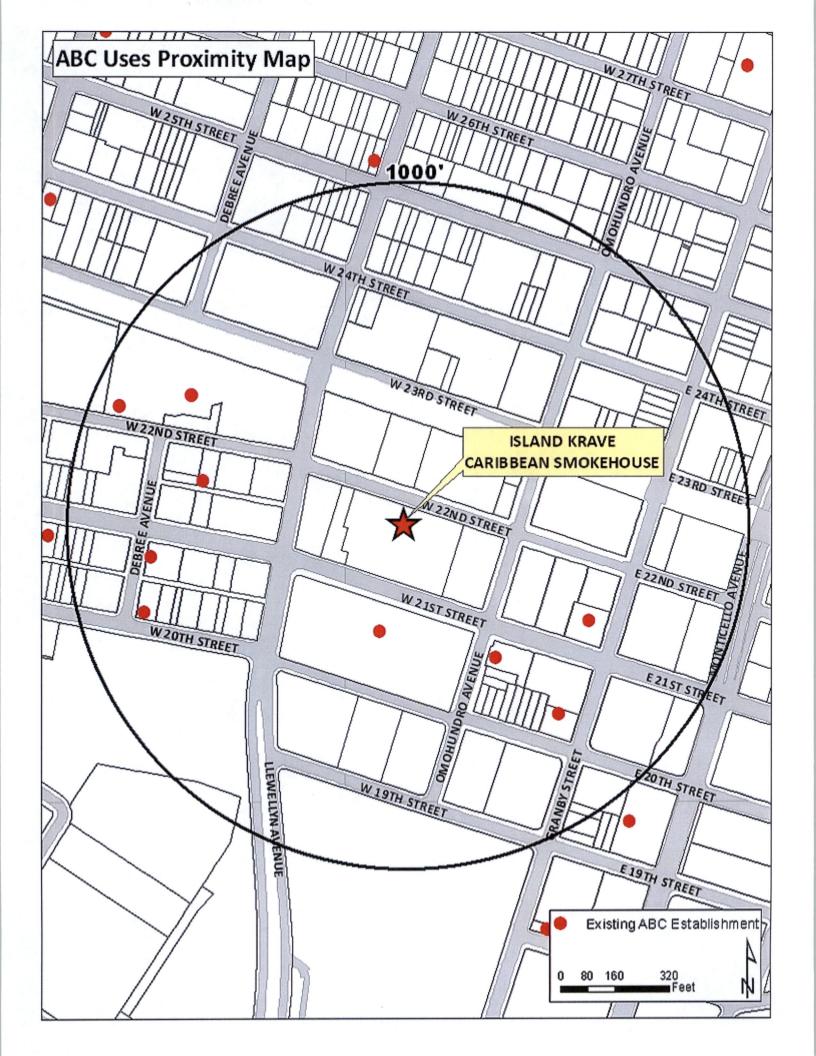
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

Exhibit A – Page 3 Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:
PREVIOUS ABOLLICENSE HELD AT SUPFOLK GITABLISHMOND
LICENSE SUMFFORED WHEN RESTAULANT CLOSED.
Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility
Doolly Loren
Signature of Applicant









APPLICATION ADULT USE SPECIAL EXCEPTION EATING AND DRINKING ESTABLISHMENT (Please print)

Date NOVEMBER 1. 2013 **DESCRIPTION OF PROPERTY** Address 222 WEST 21ST STREET - UNIT I NORTONK, VA 23517 Existing Use of Property CARIBBEAN EATERY & SMOKE HOWE Proposed Use SAME AS ABOVE Current Building Square Footage 987 & Feet Proposed Building Square Footage 987 89. Feet Trade Name of Business (if applicable) ISLANDKNAVE CARIBBEAN SMOKEHOUSE APPLICANT/ PROPERTY OWNER 1. Name of applicant: (Last) LOYEL (First) DOROTHY (MI) M Mailing address of applicant (Street/P.O. Box) 177 WEST 2184 Street - 4NIT J (City) NORFOHC (State) YA (Zip Code) 23517 Daytime telephone number of applicant (751) 627-1725 Fax number () N/A E-mail address of applicant dorothy Li@ Yerizow. Net 2. Name of property owner (Last) POREY (First) NORMA (MI) I Mailing address of property owner (Street/P.O. Box) 1/10 WLST 214 SAREET NORFOLK (State) VA (Zip Code) 23517 (City) Daytime telephone number of owner (751) 625-5300 Fax number (751) 622-3748

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

Application Eating and Drinking Establishment Page 2

CONTACT INFORMATION
Civic League contact
Date(s) contacted
Ward/Super Ward information
 Required application fee, \$355.00 (if check, make payable to Norfolk City Treasurer). Application fee includes a non-refundable \$5 technology surcharge. Two 8½ inch x 14 inch (maximum size) copies of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example) Two 8½ inch x 14 inch (maximum size) copies of a survey or conceptual site plar (required for new construction or site improvements) drawn to scale showing:
CERTIFICATION I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:
Print name: Norma J. Doney Sign: Man J. J. 1 04 1 20/3 (Property Owner or Authorized Agent Signature) (Date)

Sign: Dorthy

LOYELL

(Applicant or Authorized Agent Signature)

DOROTHY

Print name:



EXHIBIT "A" Description of Operations Eating and Drinking Establishment

Date No VEM BER 1, 2013		
Trade name of business	ANE CARIBBEAN SMOKEHOUSE	
Address of business 22 W. 21st Street - Unit J, NORFOLK 23517		
Name(s) of business owner(s)*		
Name(s) of property owner(s)*		
Daytime telephone number(7/8)_200-	-6787	
*If business or property owner is partnership, all partners must be listed. *If business or property owner is an LLC or Corporation, all principals must be listed.		
Proposed Hours of Operation:		
Facility Weekday From <u>II Am</u> To <u>IO PM</u>	Alcoholic Beverage Sales Weekday From 110 PM	
Friday From <u> AM</u> To <u> PM</u>	Friday From <u>llam</u> To <u>llem</u>	
Saturday From ILAM To Ilam	Saturday From Ilam To Ilam	
Sunday From IlamTo 10 2m	Sunday From <u>IIAm</u> To <u>lopm</u>	
2. Type of ABC license applied for (check al ☐ On-Premises ☐ Off-Premises	l applicable boxes) (additional application required)	
 Type of alcoholic beverage applied for ☑ Beer ☑ Wine ☑ Mixed Be 	everage	
4. Will indoor or outdoor entertainment be pro (Entertainment consists of anything more t	than one, unamplified musician)	

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

Exhibit A – Page 2 Eating and Drinking Establishment

	deo games, pool tables, game boards or other types of games be provided? (If more than 4, additional application required)
5a.	If yes, please describe type and number of each game to be provided
	NA
Will pa □ Yes	atrons ever be charged to enter the establishment? ☑ No
6а.	If yes, why
6b.	Which days of the week will there be a cover charge (circle all applicable days)
	Monday Tuesday Wednesday Thursday Friday Saturday Sunday 人人
Will th □ Yes	e facility or a portion of the facility be available for private parties? ⊡∕No
7a.	If yes, explain
Will a □ Yes	third party (promoter) be permitted to lease, let or use the establishment?
8a.	If yes, explain

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

Exhibit A – Page 3 Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:
PREVIOUS AGE LICENSE HELD AT SUPFOLK ATABLISHMONOT
MCENSE SUMMERSES WHEN RESTAURANT CLOSED.
Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility
Signature of Applicant
3

Exhibit A – Floor Plan(s) Worksheet Eating and Drinking Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - o Tables/seats
 - Restroom facilities
 - o Bar
 - o Ingress and egress
 - Standing room

c. Number of employees

- Outdoor seating
- o Total maximum capacity (including employees)

Total capacity

b.

a.	Ind	oor

Number of seats (not including bar seats) Number of bar seats Standing room	2026 NA
Outdoor Number of seats	_8

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = $\frac{3 \times 37}{1}$



February 5, 2014

Jack Plomgren President, Ghent Business Association 1611-B Colley Avenue Norfolk, VA 23517

Dear Mr. Plomgren:

The Planning Department has received a Special Exception application to operate an Eating and Drinking Establishment on property located at 222 West 21st Street, Unit J. This item is tentatively scheduled for the February 27, 2014 City Planning Commission public hearing.

Summary

This request would allow the existing restaurant, Island Krave Caribbean Smokehouse, located in the 21st Street Pavilion Shopping Center, to offer alcoholic beverages to their customers.

	Proposed
Hours of Operation and Sale of Alcohol	11:00 a.m. until 10:00 p.m., Sunday through Thursday 11:00 a.m. until 11:00 p.m., Friday through Saturday
	26 seats indoors
Seating	8 seats outdoors
	37 total capacity

If you would like additional information on the request, you may contact the applicant, Dorothy Lovell, at (757) 627-1725 or you may telephone Ashton Jones at (757) 664-7470. A copy of the complete application is enclosed.

Sincerely,

George M. Homewood, AICP, CFM

Acting Planning Director

cc: Vanessa Seals, Senior Neighborhood Development Specialist

Vanessa.Seals@norfolk.gov



February 5, 2014

Henry Conde President, Ghent Neighborhood League P.O. Box 11431 Norfolk, VA 23517

Dear Mr. Conde:

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Summary

This request would allow the existing restaurant, Island Krave Caribbean Smokehouse, located in the 21st Street Pavilion Shopping Center, to offer alcoholic beverages to their customers.

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Sincerely,

George M. Homewood, AICP, CFM

Assistant Planning Director

cc: Vanessa Seals, Senior Neighborhood Development Specialist

Vanessa.Seals@norfolk.gov